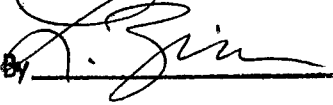


1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

JAN 20 2011

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 TO:)
13)
14 GARY DiMATTIA, and) NO. H-5534 SAC
15 FINANCIAL LINK SERVICES,)
16 a Corporation.)
17) ORDER TO
18) DESIST AND REFRAIN
19) (B&P Code Section 10086)

20 The Real Estate Commissioner (Commissioner) of the California Department of
21 Real Estate (Department) caused an investigation to be made of the activities of GARY
22 DiMATTIA (DiMATTIA) and FINANCIAL LINK SERVICES (FLS). Based on the
23 investigation, the Commissioner has determined that DiMATTIA and FLS have engaged in, are
24 engaging in, or are attempting to engage in, acts or practices constituting violations of the
25 California Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of
26 Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising
27 or assuming to act as, a real estate broker in the State of California within the meaning of Section
10130 as it interacts with Section 10131(d) (performing services for borrowers in connection
with loans secured by real property), 10085 (advanced fee materials), and 10085.5
(claiming/collecting/receiving advanced fees) of the Code. Furthermore, based on the

1 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
2 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

3 Whenever acts referred to below are attributed to DiMATTIA and/or FLS, those
4 acts are alleged to have been done by DiMATTIA, acting by himself, or by and/or through one or
5 more agents, associates, affiliates, and/or co-conspirators, and using the name FINANCIAL
6 LINK SERVICES, or other names or fictitious names unknown at this time.

7 FINDINGS OF FACT

8 1. At no time herein mentioned has DiMATTIA been licensed by the
9 Department in any capacity.

10 2. At no time herein mentioned has FLS been licensed by the Department in
11 any capacity.

12 3. In August 2010, DiMATTIA and FLS solicited, through electronic mail
13 contact, a Department investigator using the pseudonym Jeremiah Thompson (identified to
14 DiMATTIA and FLS as a resident of California), to negotiate and/or perform one or more of
15 the following acts for another or others, for or in expectation of compensation: negotiate one
16 or more loans for, or perform services for borrowers and/or lenders in connection with loans
17 secured directly or collaterally by one or more liens on real property.

18 4. In August 2010, DiMATTIA and FLS claimed, demanded, charged, or
19 contracted for advanced fees in a series of payments totaling \$3,196 from Jeremiah Thompson,
20 without having first submitted advanced fee materials to the Commissioner.

21 CONCLUSIONS OF LAW

22 5. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,
23 DiMATTIA, acting by himself, or by and/or through one or more agents, associates, affiliates,
24 and/or co-conspirators and using the name FINANCIAL LINK SERVICES, or other names or
25 fictitious names unknown at this time, solicited to perform services for this borrower and/or
26 this borrower's lender(s) in connection with loans secured directly or collaterally by one or
27 more liens on real property, which requires a real estate license under Sections 10130 and

1 10131(d) of the Code, during a period of time when DiMATTIA was not licensed by the
2 Department in any capacity.

3 6. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,
4 DiMATTIA, acting by himself, or by and/or through one or more agents, associates, affiliates,
5 and/or co-conspirators and using the name FINANCIAL LINK SERVICES, or other names or
6 fictitious names unknown at this time, charged, received and/or collected, or contracted for
7 advanced fees, in violation of Sections 10085 and 10085.5 of the Code.

8 DESIST AND REFRAIN ORDER

9 Based on the Findings of Fact and Conclusions of Law stated herein, FINANCIAL LINK
10 SERVICES, and GARY DiMATTIA whether doing business under your own name, or any other
11 name or fictitious name, ARE HEREBY ORDERED to:

12 1. Immediately desist and refrain from performing any acts within the State of
13 California for which a real estate broker license is required. In particular, you are ordered to
14 desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders
15 in connection with loans secured directly or collaterally by one or more liens on real property,
16 unless and until you obtain a real estate broker license issued by the Department.

17 2. Immediately desist and refrain from charging, demanding, claiming, collecting
18 and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the
19 services you offer to others, unless and until you demonstrate and provide evidence satisfactory
20 to the Commissioner that you are properly licensed by the Department as a real estate broker, and
21 that FINANCIAL LINK SERVICES, and GARY DiMATTIA:

22 (A) Have an advance fee agreement which has been submitted to the
23 Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

24 (B) Have placed all previously collected advance fees into a trust account for
25 that purpose and are in compliance with Section 10146 of the Code;

26 (C) Have provided an accounting to trust fund owner-beneficiaries pursuant to
27 Section 2972 of the Regulations; and

1 (D) Are in compliance with California law, as amended effective as of
2 October 11, 2009 with respect to loan modification and/or forbearance services. Under the
3 amended law, you can only collect advance fees for loan modification or other mortgage loan
4 forbearance services related to commercial loans and loans for residential properties containing
5 five or more dwelling units.

6
7 DATED: 1-7-11

8 JEFF DAWI
9 Real Estate Commissioner

10 By 
11
12

13 **Notice:**

14 Business and Professions Code Section 10139 provides that "Any person acting as a real estate
15 broker or real estate salesperson without a license or who advertises using words indicating that
16 he or she is a real estate broker without being so licensed shall be guilty of a public offense
17 punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the
18 county jail for a term not to exceed six months, or by both fine and imprisonment; or if a
19 corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)."

20 cc: GARY DiMATTIA
21 2920 N. Green Valley Pkwy, Bldg. 2-#219
22 Henderson, NV 89014

23 cc: FINANCIAL LINK SERVICES
24 c/o Gary DiMattia, President
25 2920 N. Green Valley Pkwy, Bldg. 2-#219
26 Henderson, NV 89014

27 ATTY DEK/rh